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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 May 2008 has been entered.

2. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15, 16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch (US 6,447,037).

Crouch teaches a method of using a coupling device (10) for providing redundant attachment between an arm of a user and a device (26) having a closed handle (38) (Figs. 5 and 6). The method comprises (a) obtaining a coupling device (10) having first and second ends (16,18) where the first end (16) includes a first loop (20) defining a first opening (22), the first loop is oriented in a substantially open position (Fig. 1) and the second end (18) includes a second loop (20) defining a second opening (22) (the coupling device is provided in a twisted state before the operation begins to facilitate routing of the second loop through the first loop and therefore no twisting operation is required during the method steps); (b) routing either the first loop or the second loop through the closed handle (Fig. 2); (c) moving a distal tip of the second loop toward the

first opening without twisting the coupling device about a longitudinal axis of the coupling device (Fig. 3); (d) inserting the second loop through the first opening without twisting the coupling device about the longitudinal axis of the coupling device (Fig. 3); and (d) pulling the second loop through the first opening to tighten the coupling device to the closed handled device twisting the Coupling device about the longitudinal axis of the coupling device (Fig. 4). The first opening is sized substantially equal to the second opening. Crouch fails to disclose that the second opening is larger. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first opening is sized to be smaller than the second opening since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955). Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening is sized to be smaller than the second opening.

The method further comprises sliding the second loop over a wrist of a user (Fig. 6).

Crouch fails to disclose that the coupling device is formed from an elongated body having a length and a width and that the first opening of the first loop is sized to correspond with the width of the elongated body. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the coupling device being formed from an elongated body having a length and a width and that the first opening of the first loop is sized to correspond with the width of the

elongated body since a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

Especially since Crouch fails to disclose that the first opening must be equal to the second opening and since the disclosure of the application fails to provide any advantages or unexpected result obtained by having the first opening of the first loop being sized to correspond with the width of the elongated body. 3.

5. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crouch in view of Elkins (US 6,216,319 B1).

Crouch discloses all the steps claimed above in paragraph 4 for the rejection of claims 15 and 16. Crouch fails to disclose that the coupling device further comprises a size adjustment collar slidably coupled to the second loop. However, Elkins teaches a coupling device (10) for providing redundant attachment between an arm of a user and a device (30) (Fig. 6). The device comprises a first end having a loop (14) defining an opening (Figs. 1 and 6). The coupling device further comprises a size adjustment collar (16) slidably coupled to the loop (Figs. 1 and 6). The size adjustment collar is provided to allow the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto (C. 2, L. 56-58). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the size adjustment collar slidably coupled to the loop as taught by Elkins in the second loop of the device disclosed by Crouch since this loop is the one that engages the user's wrist. Doing so, allows the loop to fit over the user's arm and then be readily adjusted to a user's wrist to be secured thereto.

Elkins teaches that the method of using the coupling device comprises sliding the size adjustment collar along the second loop in the direction of the user's wrist (C. 2, L. 50-60 and Fig. 6).

Allowable Subject Matter

6. Claims 19-23, 25, 26, 28, 30 and 32 are allowed.
7. The following is an examiner's statement of reasons for allowance:

Regarding claim 19 having similar limitations to claim 15, Crouch also discloses that a distal tip of the second loop is moved towards the first opening without twisting the coupling device more than 45 degrees from a longitudinal axis of the coupling device, inserting the second loop through the first opening without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device and pulling the second loop through the first opening to tighten the coupling device to the closed handled device without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device (the coupling device is provided in a twisted state before the operation begins to facilitate routing of the second loop through the first loop and therefore requires a twisting operation of less than 45 degrees during the method steps). Crouch also teaches that the first loop defining the first opening is formed by attaching a portion of the first side to another portion of the first side such that the first loop is oriented in a substantially open position. Crouch fails to disclose that the first loop defining the first opening is formed by attaching a portion of the first side to a

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portion of the second side such that the first loop is oriented in a substantially open position. Accordingly, it would not have been obvious to one having ordinary skill in the art at the time the invention was made to have the first loop defining the first opening is formed by attaching a portion of the first side to a portion of the second side such that the first loop is oriented in a substantially open position such that a distal tip of the second loop is moved towards the first opening without twisting the coupling device more than 45 degrees from a longitudinal axis of the coupling device, inserting the second loop through the first opening without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device and pulling the second loop through the first opening to tighten the coupling device to the closed handled device without twisting the coupling device more than 45 degrees from the longitudinal axis of the coupling device where no pre-twisting of the coupling device is required before the method steps are performed.

Regarding claim 23, the same reasons for allowance of claim 19 apply to claim 23 when the combination of the Crouch and Elkins is taken in considerations as shown above in paragraph 5.

Regarding claim 26, the same reasons for allowance of claim 19 apply to claim 26 where the method steps of moving a distal tip of the second loop toward the first opening, inserting the second loop through the first opening and pulling the second loop through the first opening to tighten the coupling device through the closed handled device can be performed without substantially twisting the coupling device about the longitudinal axis of the coupling device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/RCR/
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
July 26, 2008

/Robert J. Sandy/
Primary Examiner, Art Unit 3677